

REMARKS

Claims 1 to 43 were pending in the application at the time of examination. Claims 1 to 12, 26 to 37, 40 and 41 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1 to 43 stand rejected as obvious.

Applicants note that a Revocation of Attorney and Appointment of New Attorney was filed in the above application. Therefore, the Examiner is respectfully requested to address all further correspondence in the above application to the undersigned attorney.

Claims 1 to 12, 26 to 37, 40, and 41 stand rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In view of the § 112, second paragraph rejection, Claims 1, 12, 26, 37, 40 and 41 have been amended to recite "and an event sub-type" in the preamble. This amendment provides a proper antecedent basis for the later recitation of "the event sub-type." Therefore, the § 112 rejection of Claims 1 to 12, 26 to 37, 40 and 41 has been rendered moot. Applicants request reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 1 to 12, 26 to 37, 40 and 41.

Claims 1, 13, 14, 26, 38, 39, 40, 42, and 43 are amended to correct a grammatical informality. Applicants respectfully submit that since no 112 rejections were raised with respect to this informality, the amendments do not affect the patentability of the claims.

Claims 1 to 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,829,770, hereinafter referred to as Hinson.

The Examiner stated in part:

Hinson does not explicitly teach the object facility repository is a meta object facility repository. However, Hinson teaches (lines 50-57 column 7) that the invention can be implemented in combination with other program modules that implement particular abstract data types. Therefore, one of ordinary skill in the art would conclude that the particular abstract data type could be metadata defining the structure of data objects and the object facility repository of Hinson could be a meta object facility repository.

Applicants respectfully traverse the obviousness rejection of Claim 1 in view of Hinson. Hinson taught:

The COM+ Events system 140 stores persistent subscriptions to an event objects store 142 in non-volatile storage of the computer 20

Hinson, Column 13, lines 34 to 36

The "Store()" method is used to install objects into the event objects store 142 (FIG. 7), such as the publisher 104 and the event class 102 supporting the publisher's outgoing-event interface (as demonstrated in the program listing 164 of FIG. 13 of the Stock Exchange application example), as well as the subscriptions 120 (as demonstrated in the program listing 192 of FIG. 19).

Hinson, Col. 16, lines 48 to 55.

The "Remove()" method of the "IEventSystem" interface (FIG. 21) uses similar parameters (i.e., similar to those just described for the "Query()" method) to request removal of event objects from the event object store 142 (FIG. 7).

Hinson, Col. 17, lines 19 to 22.

Hinson consistently described element 142 as a location that stores event objects. The Examiner has not cited any teaching or suggestion in the prior art that element 142 would be used for other than event object storage or that the stored

objects would have any particular relationship to each other that could be interpreted as a layered architecture, for example.

Column 7, lines 50 to 57, which were cited by the Examiner, are included in a description of "Exemplary Operating Environment," which started at Column 7, line 45. These lines were included in this section that stated in part:

FIG. 1 and the following discussion are intended to provide a brief, general description of a suitable computing environment in which the invention may be implemented. While the invention will be described in the general context of computer-executable instructions of a computer program that runs on a computer, those skilled in the art will recognize that the invention also may be implemented in combination with other program modules. Generally, program modules include routines, programs, components, data structures, etc. that perform particular tasks or implement particular abstract data types.
(Emphasis added.)

Thus, the quoted text describes "a suitable computing environment in which the invention may be implemented." A computing environment that includes program modules that implement abstract data types fails to suggest or describe modifications to the event object store of Hinson that would be required to obtain the method of Claim 1.

Applicants first point out that while the claim language may be interpreted broadly by the Examiner, the breadth of the interpretation is limited by the MPEP. For example,

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. (Emphasis Added.)

MPEP § 2111, 8th Ed., Rev. 2, p. 2100-47 (May 2004).

This is not permissive language and so the Examiner is required to follow this directive. The interpretation in the rejection is not supported by citation to any prior art reference.

Applicants respectfully submit that those of skill in the art would not interpret event objects for an abstract data type that were stored in the event object store of Hinson as a meta object facility repository, assuming arguendo that the event object store of Hinson can be so interpreted. The level of skill in the art with respect to the interpretation of "meta object facility repository" is defined by the background section of Applicants' disclosure because, the Examiner has cited no other teaching. In particular "The MOF is a layered metadata architecture consisting of a single meta-metamodel (M3), metamodels (M2) and models (M1) of information." Specification, pg 3, paragraph 6. Any interpretation of the Claim language must be consistent with this teaching based upon the above quotation from the MPEP. The language in the rejection is not consistent with this interpretation.

General knowledge of program modules that implement abstract data types fails to suggest or disclose modifications to the event object store of Hinson to obtain a repository of "a layered metadata architecture," or levels of event types as recited in Claim 1. Applicants note that the claims are limited to such a specific repository and include event types and event sub-types. Applicants respectfully submit that a general knowledge of program modules that implement abstract data types coupled with the actions and the event object store cited in the rejection fails to suggest or disclose operations associated with a meta object facility repository as recited in Claim 1. Applicants request reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2 to 11 depend from Claim 1 and so distinguish over the combination for at least the same reasons as given above for Claim 1. Applicants respectfully request reconsideration

and withdrawal of the obviousness rejection of each of Claims 2 to 11.

With respect to the obviousness rejection of Claim 12, the Examiner relies upon the rejection of Claims 1 and 6. Therefore, the above comments with respect to Claim 1 are incorporated herein by reference. In addition, Applicants respectfully submit that at best the claims have been reduced to a gist. The Examiner has failed to cite any suggestion or teaching of a "bitmask" and any suggestion or teaching of a listener registering "by setting a bit corresponding to the event sub-type" These are specific limitations that must be at least suggested by the prior art and not some general recitation about a subscription that formed the basis of the rejection. There has been no citation to any suggestion of event sub types, a bitmask, or bits associated with event sub types. Accordingly, in addition to the shortcomings with respect to Claim 1, a prima facie obviousness level has not been established on multiple levels for Claim 12. Applicants request reconsideration and withdrawal of the obviousness rejection of Claim 12.

With respect to the obviousness rejections of independent Claims 13, 15, 21, 24, 25, 26, 38, 40, and 42, each claim includes at least the meta object facility repository as discussed above with respect to Claim 1. Therefore, the above remarks with respect to Claim 1 are applicable for each of these claims and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 13, 15, 21, 24, 25, 26, 38, 40, and 42.

Claims 16 to 20 depended from Claim 15 and so distinguish over the prior art for at least the same reasons as Claim 15. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 16 to 20.

Claims 22 and 23 depended from Claim 21 and so distinguish over the prior art for at least the same reasons as Claim 21. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 22 and 23.

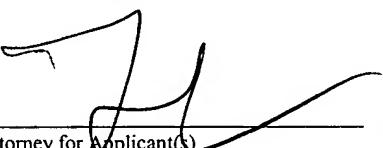
Claims 27 to 36 depended from Claim 26 and so distinguish over the prior art for at least the same reasons as Claim 26. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 27 to 36.

With respect to the obviousness rejections of independent Claims 14, 25, 37, 39, 41 and 43, each claim includes at least the meta object facility repository and the bitmask as discussed above with respect to Claim 12. Therefore, the above remarks with respect to Claim 12 are applicable for each of these claims and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 14, 25, 37, 39, 41 and 43.

Claims 1 to 43 remain in the application. Claims 1, 12, 13, 14, 26, and 37 to 43 have been amended. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 5, 2005.



Attorney for Applicant(s)

April 5, 2005
Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880